APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,791	08/24/2001	Sayling Wen	41937-2004	2158

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Mitchell P. Brook
Baker & Mckenzie
12th Floor
101 West Broadway
San Diego, CA 92101-3890

EXAMINER
THERIAULT, STEVEN B

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/938,791	WEN ET AL.
	Examiner	**Art Unit**	
	Steven B. Theriault	2179	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 August 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08/24/2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the following communications: The original application filed on

08/24/2001.

2.   Claims 1-32 are pending in the case. Claims 1, 15 and 17 are the independent claims.

Applicant's attention is directed to the fact that a new examiner has been assigned to this case.

The Examiner's name and telephone number are provided below.

Oath/Declaration

3.   The oath or declaration is defective. A new oath or declaration in compliance with 37

CFR 1.67(a) identifying this application, by application number and filing date is required. See

MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: It does not identify the citizenship of each inventor.

Specification

4.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5.   The abstract of the disclosure is objected to because the length of the abstract exceeds 150

words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

6.   **The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7.   Claim 14 recites the limitation "Data exchange system" in line 1. There is insufficient antecedent

basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8.   **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the**

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

9.   **Claims 1-4, 15, 16-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Herigstad**

et al (hereinafter Herigstad) U.S. Patent No. 6,731,316 B2 issued May 4, 2004 and filed

February 25, 2000.

In regard to **Independent claim 1,** Herigstad teaches an intuitive single key-press navigation

system for operating a computer running an application software program by a user under a host

operating system, said navigation system comprising:

- *A user interface comprising a user interface module for providing interface between said*

  computer and said user by issuing interface requests during the use of said application

  software program by said user, (Herigstad column 3, lines 55-67 and figure 8) Herigstad

  teaches a visually intuitive interface and apparatus having a display and a numbered keypad

with keys. Each section on the display provides a visual indication of the selection associated with one of the keys on the pad.

- *Said user issuing said interface requests by pressing a single key on the keyboard of said computer responding to discrete options menus presented to said user by said application software program;* (Herigstad column 4, lines 1-67 and figure 8) Herigstad teaches the keyboard and the regions of the display that correspond to the key or button needed to active the content or application in that region.

- *A kernel unit comprising an interface database module for storing text-based program options information for said application software program;* (Herigstad figure 7 and column 7, lines 1-35) Herigstad teaches a storage device for holding programs and data and the program logic for executing the programs on the device.

- *An interface graphics module for storing graphics information for said application software program, an interface response module for receiving said interface requests issued by said user;*(Herigstad column 7, lines 30-37 and figure 7) Herigstad teaches the logic circuitry and a processor for implementing the functionality of the device.

- And an interface generator module receiving said text-based program option information and said graphics information and generating visual-effect symbols for presenting to said user based on said text and graphics information under said issued interface requests. (Herigstad column 7, lines 30-37 and figure 7) Herigstad teaches the logic circuitry and a processor for implementing the functionality of the device. Herigstad also teaches the implementation can be executed in software rather the hardware, firmware or any combination thereof.

It is the examiners interpretation that a kernel is the central program of any operating system and it allows a program to talk directly to the hardware of the computer. For example, in order to put a symbol on the computer screen, a program must request the kernel to put the symbol in a certain place on the display screen. Therefore, the embodiment discloses the circuitry to process the application on the display.

With respect to **dependent claim 2,** Herigstad teaches *the application software navigation*
system where said visual-effect symbols are representations of push buttons displayed on the
screen of said computer. (Herigstad column 2, lines 1-51) Herigstad teaches the display contains
correlations to numbered buttons and an indication of the button selection.

With respect to **dependent claim 3,** Herigstad teaches *the application software navigation*
system where said application software program is a user-friendly application software system
incorporating a plurality of simple interfaces for intuitive access by computer users. (Herigstad
column 1, lines 35-45 and figure 8 and column 7, lines 37-47) Herigstad teaches a display that is
especially useful in helping the user select and control an application. Herigstad also teaches the
use of service options for ordering pizza and finding a movie theater in the area.

With respect to **dependent claim 4,** Herigstad teaches the application software navigation
system of claim 1, wherein said application software program is a user-friendly One-Touch OS
application software system for processing daily-life computer applications for computer users.
(Herigstad column 1, lines 35-45 and figure 8 and column 7, lines 37-47) Herigstad teaches a
display that is especially useful in helping the user select and control an application. Herigstad
also teaches the use of service options for ordering pizza and finding a movie theater in the area.

In regard to **Independent claim 15,** Herigstad teaches an intuitive single key-press navigation
system for operating a computer running an application software program by a user under a host
operating system, said navigation system comprising:

- *A user interface comprising a user interface module for providing interface between said*
  computer and said user by issuing interface requests during the use of said application
  software program by said user; (Herigstad column 3, lines 55-67 and figure 8) Herigstad
  teaches a visually intuitive interface and apparatus having a display and a numbered keypad

with keys. Each section on the display provides a visual indication of the selection associated

with one of the keys on the pad.

- *Said user issuing said interface requests by pressing a single key on the keyboard of said computer responding to discrete options menus presented to said user by said application software program; (Herigstad column 4, lines 1-67 and figure 8) Herigstad teaches the keyboard and the regions of the display that correspond to the key or button needed to active the content or application in that region.*

- *A kernel unit comprising an interface database module for storing text-based program options information for said application software program;* (Herigstad figure 7 and column 7, lines 1-35) Herigstad teaches a storage device for holding programs and data and the program logic for executing the programs on the device and telephony logic and logic circuitry for controlling the operations of the phone and the display programs.

- *An interface graphics module for storing graphics information for said application software program;* (Herigstad column 7, lines 30-37 and figure 7) Herigstad teaches the logic circuitry and a processor for implementing the functionality of the device

- *An interface response module for receiving said interface requests issued by said user; An interface generator module receiving said text-based program option information and said graphics information and generating visual-effect symbols of push buttons displayed on the screen of said computer for presenting to said user based on said text and graphics information under said issued interface requests.* (Herigstad column 7, lines 30-37 and figure 7) Herigstad teaches the logic circuitry and a processor for implementing the functionality of the device. Herigstad also teaches the implementation can be executed in software rather the hardware, firmware or any combination thereof.

With respect to **dependent claim 16,** Herigstad teaches the application software navigation

system of claim 15, wherein said application software program is a user-friendly application software

system incorporating a plurality of simple interfaces for intuitive access by computer users. (Herigstad column 1, lines 35-45 and figure 8 and column 7, lines 37-47) Herigstad teaches a display that is especially useful in helping the user select and control an application. Herigstad also teaches the use of service options for ordering pizza and finding a movie theater in the area.

In regard to **Independent claim 17,** Herigstad teaches a computer running an application software program by a user under a host operating system, said application software program comprising

- *A user interface and a kernel unit; said user interface comprising a user interface module for providing interface between said computer and said user by issuing interface requests during the use of said application software program by said user;* (Herigstad column 3, lines 55-67 and *column 4, lines 1-67* and figure 8) Herigstad teaches a visually intuitive interface and apparatus having a display and a numbered keypad with keys. Each section on the display provides a visual indication of the selection associated with one of the keys on the pad. Herigstad also teaches the keyboard and the regions of the display that correspond to the key or button needed to active the content or application in that region.

- *[Said kernel unit comprising an interface database module for storing text-based program options information for said application software program; an interface graphics module for storing graphics information for said application software program;]* (Herigstad figure 7 and column 7, lines 1-35) Herigstad teaches a storage device for holding programs and data and the program logic for executing the programs on the device and telephony logic and logic circuitry for controlling the operations of the phone and the display programs; *[an interface response module for receiving said interface requests issued by said user; an interface generator module receiving said text-based program option information and said graphics information;]* Herigstad teaches the logic circuitry and a processor for implementing the functionality of the device. Herigstad also teaches the implementation can be executed in software rather the hardware, firmware or any combination thereof (Herigstad column 7, lines

30-37 and figure 7); *an intuitive single key-press navigation method for navigating said computer comprising the steps of:*

- *Generating a menu of options containing a plurality of visual-effect symbols each representing one of said options based on said text and graphics information under said issued interface requests for selection by said user;* (Herigstad Figure 8) Herigstad teaches a plurality o symbols that represent programs

- *Said user selecting one of said options by performing a single key-press selection by pressing a single key on the keyboard of said computer; and navigating through said application software program by implementing said single key-press selection at least one time.* (Herigstad column 2, lines 1-67 and column 5, lines 31-67) Herigstad teaches the use of specific keys to activate applications and the use of the keys to navigate sub-functions for the program.

With respect to **dependent claims 18 and 19,** Herigstad [*teaches the method of intuitive single key-press navigation where said step of navigating through said application software program by implementing said single key-press selection further comprises the step of selecting in a major program loop, wherein said major program loop providing options to said user including a group of major functional category of said application software program and where a sub program loop, where said sub program loop providing options to said user including a group of sub-functional category of said application software program.*] (Herigstad column 5, lines 29-67) Herigstad teaches the major group level application of using a map and while the user is using the map there are sub-levels of the map. The phone accesses a database or local cache to deliver the maps to the phone. The user is then allowed to select another area on the map to drill down to the desired level of detail in the map.

With respect to **dependent claim 20,** Herigstad teaches *the method of intuitive single key-press navigation of claim 17, wherein said visual-effect symbols are representations of push buttons displayed on the screen of said computer.* (Herigstad column 2, lines 1-51) Herigstad teaches the display contains correlations to numbered buttons and an indication of the button selection.

With respect to **dependent claim 21,** Herigstad teaches *the method of intuitive single key-press navigation of claim 17, wherein said application software program is a user-friendly application software system incorporating a plurality of simple interfaces for intuitive access by computer users.* (Herigstad column 1, lines 35-45 and figure 8 and column 7, lines 37-47) Herigstad teaches a display that is especially useful in helping the user select and control an application. Herigstad also teaches the use of service options for ordering pizza and finding a movie theater in the area.

With respect to **dependent claim 22,** Herigstad teaches *the method of intuitive single key-press navigation of claim 21, wherein said application software program is a user-friendly One-Touch OS application software system for processing daily-life computer applications for computer users.* (Herigstad column 1, lines 35-45 and figure 8 and column 7, lines 37-47) Herigstad teaches a display that is especially useful in helping the user select and control an application. Herigstad also teaches the use of service options for ordering pizza and finding a movie theater in the area.

References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a), which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

11.   **Claims 5-14 and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Herigstad as applied to claims 1, 15 and 17 above, and further in view of CE Software

Incorporated (Hereinafter CE), "Quickeys for Macintosh", 2000.

With respect to **dependent claims 5-14 and 23-32,** as indicated in the above discussion,

Herigstad teaches every element of claims 4 and 21.

Herigstad suggests that the display can contain text and graphical information and a

number applications that can be run in the device are not limited to what has been shown and

that the device can be used with a computer, pda, cell phone, interactive television system and

an Internet appliance (Herigstad column 2, lines 1-26 and column 4, lines 19-37).

Herigstad fails to expressly disclose [*the system where a One-Touch OS application*

software system is capable of processing handy personal information including phone numbers

and addresses, taking notes in texts and in drawings, providing communication services including

telephone connections, facsimile transmissions and receptions, electronic mailing, chatting

service over the Internet, accessing the World Wide Web over the Internet, providing language

tutoring and typing tutoring to computer users, providing game play to computer users, and

providing audio and video playback.]

CE discloses an application that allows a user to create, setup and maintain any number of shortcuts or hot keys that relate to any application, file, editor, or utility. CE specifically mentions the ability to create a custom toolbar that holds a graphical representation of the file or program that the user would like to operate with the shortcut or hotkey (CE page 1, TOOLBARS). CE and Herigstad are analogous art because they are from the same field of endeavor of using keyboard commands to directly launch a specific application, program, file or utility with a single button.

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Herigstad and CE before him at the time of the invention was made, to modify the system of Herigstad to incorporate the drawing, note taking, language tutoring, and game playing as taught by CE, in order to obtain a system that is able to associate or launch with a single key any application the user wants to control with a key on the keyboard. One would have been motivated to make such a combination because of the timesavings and allows the user to operate the computer the way they want as taught by CE.

References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,492,977 B1 to Marshall et al. issued Dec. 10, 2002 and filed Apr. 23, 1997, and discloses an automated help system for reference information.
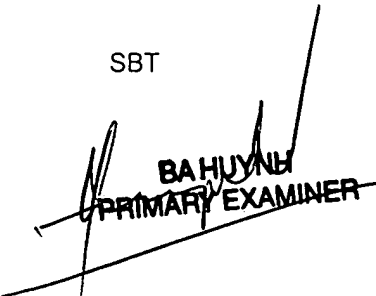
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:00 - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBT

BA HUYNH
PRIMARY EXAMINER